

EXHIBIT F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MDL NO.: 2419
Master Dkt. 1:13-md-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC., PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Actions Naming Saint Thomas Outpatient
Neurosurgical Center

Videotaped Deposition of
DAVID S. JOSEPH, RPH, FIACP
Friday, February 19, 2016
9:04 a.m.

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Georgianne Rodriguez, RPR

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11 ALSO PRESENT:

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1 A. It was in the big --- the main cleanroom.

2 Q. Where was that done?

3 A. It is just adjacent to the --- to the isolator
4 hood.

5 Q. Was that done on that -- was it done in the
6 same place for the three contaminated lots, for the May
7 lot, the June lot, and the August lot? Was it always
8 done in that same place?

9 A. I don't know specifically where each one was
10 done, but at least one of the lots were done at the time
11 in that hood.

12 Q. Okay. And this was next to the hood, you
13 said?

14 A. It's adjacent to the hood. It's typically
15 what you do in a sterile pharmacy when you are putting
16 ingredients together.

17 Q. Okay. Now, that video of the hood, that was
18 taken in December of 2012, correct?

19 A. Correct.

20 Q. And do you know if the location of that hood
21 had changed between May, June, and August of 2012 and
22 December of 2012?

23 A. That's something that I would not have
24 information on.

25 Q. And how many hoods were used to prepare -- was

1 it only one hood that was used to prepare the three
2 contaminated lots, the May lot, the June lot, and August
3 lot of MPA?

4 A. That, I don't know specifically.

5 Q. Was there more than one hood?

6 A. There were three -- three glove boxes in that
7 room, so --

8 Q. By glove boxes -- let's make sure we have the
9 terminology. You talked about hood.

10 A. Okay. So there's three glove boxes and three
11 powder hoods that are associated with those -- with
12 those hoods that generally are adjacent to them and are
13 used to transfer the mixture once it's -- once it's made
14 in the powder hood to go into the glove box.

15 Q. Okay. So there's potentially three different
16 hoods that were used to prepare these three contaminated
17 lots, correct?

18 A. That should be noted on the log. I didn't
19 really check it to see, but --

20 Q. On the logged formula worksheet?

21 A. Yes.

22 Q. It tells you what hood it was prepared in?

23 A. It's supposed to. That's --

24 Q. Does it?

25 A. I'd have to take another look at it.

1 Q. Do you know which hood each lot was prepared
2 in?

3 A. I do not.

4 Q. And then there was an email from Steve Higgins
5 that had to do with air-conditioning, correct?

6 A. Yes.

7 Q. Okay. So now we've gone through
8 Mr. Schramek's original letter disclosing what you --
9 documents you had reviewed. We've gone through his
10 email yesterday of documents reviewed.

11 I need to know whether there's any other
12 documents that you've reviewed that we have not
13 discussed today.

14 A. No.

15 MR. ELLIS: Okay. Let me introduce this as
16 the next exhibit, which will be 1157.

17 (Exhibit 1157 marked for identification.)

18 BY MR. ELLIS:

19 Q. And this is Saint Thomas's objections and
20 responses to that deposition notice which asked you to
21 produce certain documents, which was Exhibit 1154. Take
22 a look at this.

23 Have you seen this before?

24 A. No, I have not.

25 Q. Okay.

1 to make sure we're both on the same page here.

2 By the way, did Saint Thomas Neurological
3 Clinic get copies of those test results -- sterility
4 test results?

5 A. Did they what?

6 Q. Get copies of them. Did they request copies
7 of the test results from the --

8 A. I have no knowledge of that.

9 Q. Now, after those two samples were taken from
10 the bulk, the bulk suspension was transferred from a
11 beaker -- it cooled after the autoclave. It had to cool
12 down.

13 A. Uh-huh.

14 Q. And then it's transferred to a Nalgine
15 container, correct?

16 A. Correct.

17 Q. Was it one Nalgine container or more?

18 A. My understanding, that it was -- at that
19 volume, it had to be at least two Nalgine containers.

20 Q. Okay. You've got 12.5 liters?

21 A. Uh-huh.

22 Q. Okay. How big are these Nalgine containers
23 that they were stored in?

24 A. They're anywhere from 500 to 1,000 mls.

25 Q. But with NECC, the three lots, how big were

1 the Nalgene containers?

2 A. I don't know.

3 Q. Do you know how many Nalgene containers they
4 were storing?

5 A. I don't.

6 Q. Okay. During the transfer process from the
7 beaker to the Nalgene container, that's a manual process
8 correct? Poured?

9 A. Yeah, it's poured in.

10 Q. Okay. It's manual, correct?

11 A. Yes.

12 Q. The MPA could have been contaminated during
13 that step in the process, correct?

14 A. Correct.

15 Q. It's possible?

16 A. Uh-huh.

17 Q. Okay. The Nalgene container itself, or the
18 Nalgene containers, because we know there's more than
19 one, we know how many, right? One or more of them could
20 have been contaminated, the actual container, correct?

21 A. If not properly sterilized.

22 Q. Right.

23 A. Right.

24 Q. It's possible?

25 A. Uh-huh.

1 REPORTER'S DEPOSITION CERTIFICATE

2

3 STATE OF FLORIDA)

4 COUNTY OF HILLSBOROUGH)

5 I, Georgeanne Rodriguez, Registered
6 Professional Reporter, certify that I was authorized to
7 and did stenographically report the deposition of
8 DAVID S. JOSEPH, RPH, FIACP; that a review of the
9 transcript was not requested; and that the transcript is
10 a true and complete record of my stenographic notes.

11

12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17

18 I further certify the original transcript will
19 be delivered to Branstetter, Stranch & Jennings,
20 attorneys for Plaintiffs, for filing with the court or
21 its safekeeping.

22

23 The foregoing certification of this transcript
24 does not apply to any reproduction of the same by any
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26 of the certifying reporter.

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28 Dated this 1st day of March 2016.

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31 Georgeanne Rodriguez, RPR

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